

As we approach the 21st century, we are faced with the real problem that too many of our schools do not provide the kind of learning environment necessary to educate our children for a competitive, global economy. Studies have proven a correlation between building conditions, student achievement, student discipline. The fact is, our children cannot learn in schools that are falling down around them.

I hope the Congress can use the remaining time we are in session, short as it may be, to create a school modernization partnership that will carry our children into the next century. I look forward to working with my colleagues on both sides of the aisle to ensure that our plan is a part of any tax legislation considered this year.

According to a recent Gallup poll, 86 percent of adults support providing federal funds to repair and replace older school buildings. That figure suggests that the American people want Congress to put aside partisanship and ideology and work together to help improve our schools. I hope we won't let them down.

Mr. President, I ask that the text of the letter to Senator LOTT be printed in the RECORD. An identical copy of the letter has been sent to Senator ROTH.

The text of the letter follows:

U.S. SENATE,

Washington, DC, September 17, 1998.

Hon. TRENT LOTT,

Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: As you know, the House and Senate have each passed fiscal year 1999 Budget Resolutions calling for the enactment of substantial tax relief legislation. We believe that any such legislation should include major tax relief for communities seeking to rebuild and modernize their school facilities.

The problem of crumbling and overcrowded schools has grown too large and is too important for Congress to ignore. According to the U.S. General Accounting Office (GAO), it will cost \$112 billion just to bring existing schools up to good, overall condition. In addition, the Department of Education reports that the nation's school districts will need to build an additional 6,000 schools over the next ten years simply to keep class sizes at current levels as student enrollment rises. Crumbling and overcrowded schools are found in virtually every kind of community and every part of the country. The GAO found that 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools reported needing extensive repair or replacement of one or more buildings.

The large and growing school infrastructure deficit in the United States reflects problems and inequities in our system of school finance. In 35 States, poor districts have higher tax rates than wealthy districts but raise less revenue because of lower property values. School financing systems have been ruled unconstitutional in 11 states. In nearly every case, States have complied by raising property or sales taxes to fund school improvements. Similar litigation is pending in 16 other States, and many of these lawsuits appear likely to result in higher state and local taxes as well.

The Senate has an opportunity in this year's tax legislation to break this cycle of crumbling schools and higher local taxes. We have an opportunity to create a new partner-

ship between the federal government, States, and communities to improve the learning environment for our children—our economy's most precious asset. We believe this objective can be accomplished in a manner that does not reduce the projected budget surplus, which is properly being reserved for Social Security, and that maintains continued fiscal discipline.

The condition of school facilities has been found to have a direct effect on student behavior and achievement. By helping States and communities rebuild and modernize their schools, the federal government can make a constructive contribution to the quality of education in America, while helping to free resources at the local level for other school initiatives or much-deserved property and sales tax relief.

This subject has been of growing concern to us in recent years. Earlier proposals to commit federal resources to address this problem have been unsuccessful, and it has become clear that needed assistance to schools will only be acceptable to a majority of Senators if it is in the form of tax relief. Therefore, as the Senate considers tax legislation this year, we look forward to working with you to provide substantial tax relief targeted to the rebuilding and modernizing of our nation's schools.

Sincerely,

Carol Moseley-Braun, Ted Kennedy, Patty Murray, John F. Kerry, Robert Torricelli, Tom Daschle, Fritz Hollings, Charles Robb, Chris Dodd, Dale Bumpers.

Max Cleland, Daniel Akaka, Joseph Lieberman, Byron L. Dorgan, Frank R. Lautenberg, Paul S. Sarbanes, Dianne Feinstein, Carl Levin, Mary L. Landrieu, Tom Harkin, Kent Conrad, Jeff Bingaman, Barbara A. Mikulski, Tim Johnson, Harry Reid, Herb Kohl, Barbara Boxer, John Glenn.

Daniel K. Inouye, Jack Reed, Wendell Ford, Dick Durbin, Richard H. Bryan, Max Baucus, Paul Wellstone, Jay Rockefeller, Bob Kerrey, John Breaux, Patrick Leahy, Ron Wyden.●

THE DEPARTMENT OF JUSTICE'S WAR AGAINST CAPITALISM

Mr. GORTON. Mr. President, few of my colleagues would dispute the notion that capitalism is the foundation of America's economic success. Under capitalism, competition inspires innovation. Innovation led in the 19th Century to the industrial revolution, and in the 20th Century to the digital age. These developments have made the United States the richest, most successful nation in the world. But this Administration seems to distrust our capitalist, competitive system and wants to replace it with some sort of "third-way" in which government bureaucrats make major decisions about what innovations will be allowed in our economic system, and when.

I refer particularly, Mr. President, to the Justice Department's vendetta against Microsoft, a company that has had the ingenuity and determination to achieve the American dream. Against the odds, one man with a good idea turned a workshop in his garage into the most successful high technology company in the world. The Administration is now on a path to destroy not only the man and his company but to destroy the dream as well.

Assistant Attorney General Joel Klein, head of the Justice Department's Antitrust Division, has declared war on success in the name of antitrust law. According to Joel Klein's world view, it is the duty of the United States government to protect not the consumer but the company that cannot compete on its own merits.

Mr. Klein has made his ambition abundantly clear. When he testified before the Senate Judiciary Committee in June he said, "We reject categorically the notion that markets will self-correct and we should sit back and watch." Instead, Mr. Klein believes the government should control every move of America's most successful and innovative companies.

What candidate for president ran on this platform? The American people were not informed that free markets were to be abandoned as our principal economic guide. Instead of allowing the best man, or in this case the best company, to win, the Justice Department wants to control the market and dole out slices of it to companies of its choice.

This is anathema to the free market, Mr. President.

The Department's case, after all, is merely an attempt to give Netscape and other Microsoft rivals a leg up in the ongoing battle for market share in the software industry. Microsoft has earned its current prominence in the software industry through hard work, innovation, and consumer choice. The company has been successful because it has had better ideas and more efficient means of turning those ideas into superior products. Consumers in the United States and throughout the world simply prefer Microsoft products.

But jealous rivals who have not reached the same level of success have now enlisted the Justice Department to give them what they and the Administration believe is rightfully theirs—more market share. These rivals, I fear, may soon regret ever having opened this Pandora's box. For a precedent may have already been set. That precedent is that government intervention in the market, in the absence of consumer complaint or dissatisfaction, is acceptable.

That is why I speak here today, Mr. President, as one in a growing number of voices in America in firm opposition to the Administration's case against Microsoft.

As I see it, the Administration is not working for the greater good, but for its own good. Those at the highest levels of this Administration believe they, not the market and certainly not consumers, know what is best for the nation. Rick Rule, former Assistant Attorney General for Antitrust under President Ronald Reagan, summed it up best when he said, "The Hubris reflected in the government's case against Microsoft is monumental."

This is just the beginning, Mr. President. Yesterday, at the Upside Conference, a meeting of high-tech industry leaders here in Washington, Roberta Katz, General Counsel for Netscape, said of the government's case against Microsoft, "This is about a lot more than just Microsoft." To Ms. Katz I say, be careful what you wish for, be very careful what you wish for. Today the government's target is Microsoft, but tomorrow, it could very well be Netscape.

The Antitrust Division, in filing its case against Microsoft, is working to justify an expanded role for government in the high-tech industry. The further its tentacles are allowed to reach into high-tech market, the tighter its grip on the industry will become.

In fact, at a hearing tomorrow before Judge Jackson, the Justice Department will request that it be allowed to expand the scope of its case against Microsoft. There are two explanations for the Justice Department's motives; both are troubling. The first is that the Antitrust division is seeking to increase the aspects of the high-tech industry over which it will gain control if it wins the case. The second is that the Division is becoming increasingly desperate to find an issue, any issue, on which it can prevail in court.

The first point should be of no little concern to Ms. Katz of Netscape and her counterparts at all the other high-tech companies cheering the Justice Department on. But it is the second point on which I would like to expand.

The Antitrust Division knows that its case against Microsoft is literally falling apart at the seams. As my colleagues will recall, on June 23 a three judge United States Appeals Court panel overturned the preliminary injunction issued against Microsoft last December. The heart of the injunction, and the heart of the Department's current case against Microsoft, is the company's decision to integrate its web browser into its Windows operating system.

As soon as the Appeals Court ruled that the integration of browser technology into Windows as not a violation of U.S. antitrust law, Joel Klein started scrambling frantically for other claims to make against Microsoft. If the Administration's concern was truly that Microsoft was acting illegally in integrating products into Windows, the Justice Department would have and should have dismissed its case then and there. But it didn't.

Joel Klein continued attempts to drag more and more issues into the case is telling, Mr. President. Those attempts are a clear sign that the government's real beef with Microsoft is its size. The government can't stand the fact that Microsoft is successful. Microsoft, in the eyes of the Administration, is just too big. So the Justice Department will do everything it can to paint Bill Gates as the bad guy.

As Holman W. Jenkins, Jr. aptly described it in an editorial in Wednes-

day's Wall Street Journal, Joel Klein "has spraypainted the world with subpoenas, calling companies to testify about every failed and not-yet-failed collaboration between competitive allies and allied competitors in the computer industry."

the strategy, according to Rick Rule, is "the old plaintiff's trick of throwing up lots of snippets of dialogue that try to tar the defendant as a bad guy."

Aside from all the legal commentary, the real issue, Mr. President, is that the Justice Department's case against Microsoft is a bad one. Joel Klein knows it, the high-tech community knows it, and I know it.

No legal wrangling can disguise the fact that what the Administration is doing is wrong. It is not only wrong in the sense that the Justice Department will probably lose in the end. But it is wrong in the sense that the very premise on which it stands is at fundamental odds with the free market capitalism that has made this nation great.

U.S.-ASIA INSTITUTE

• Mr. INOUE. Mr. President, the U.S.-Asia Institute, a non-profit organization, recently completed its 40th Congressional Staff Delegation to China and Hong Kong in cooperation with the Chinese People's Institute of Foreign Affairs (CPIFA). I am pleased to bring this milestone to the attention of the Senate.

The Institute's commitment to promoting friendship and understanding between countries in Asia and the U.S. government goes back almost 20 years. Founded in 1979 by Esther Kee, Norman Lau Kee, and Joji Konoshima, the U.S.-Asia Institute has been steadily working to achieve its goal through international conferences, seminars, student exchange programs, and Congressional staff trips to Asia.

Among its numerous activities in support of cultural understanding, the U.S.-Asia Institute's Congressional staff trip program to China and Hong Kong is unrivaled. Since its inception in 1985, the China program has hosted more than 320 Congressional staff members in numerous places throughout China—from Heihe in the North on the Russian border to Hainan in the South; from the dynamic coastal cities of Shanghai and Guangzhou to the remote city of Urumqi, an oasis on the ancient Silk Road; and to the capital, Beijing. Over 150 Congressional offices have benefited from the intense, hectic, fact finding programs that provide Congressional staff members a unique opportunity to observe this dynamic nation first-hand and to further their understanding of complex Sino-U.S. relations. This program has survived the sometimes tumultuous relationship between the two countries thanks to the steadfast commitment of the U.S.-Asia Institute and the CPIFA to promote dialog on issues of mutual interest to our two great nations.

I congratulate the U.S.-Asia Institute and CPIFA for their remarkable achievements and hope their long-standing partnership will continue into the 21st century.●

TRIBUTE TO LIEUTENANT GENERAL RICHARD A. BURPEE, U.S. AIR FORCE, RETIRED

• Mr. INHOFE. Mr. President, I rise today to pay tribute to an exceptional leader in recognition of a remarkable career of service to his country—Lieutenant General Richard A. Burpee, United States Air Force, retired. Dick Burpee has amassed a truly distinguished record, including 35 years of service in the Air Force uniform, that merits special recognition on the occasion of his retirement as chairman of the board of directors of the Retired Officers Association.

Born and raised in Delton, Michigan, he is now a distinguished citizen of the great State of Oklahoma. He enlisted in the Air Force just after the Korean War in 1953. Subsequently selected for pilot training, he earned his aviator's wings and Second Lieutenant's commission in 1955.

Over the next decade, Dick served in a variety of flying and staff positions, including assignments as an instructor pilot and as an exchange pilot with the Royal Canadian Armed Forces. In the process, he successfully completed studies leading to the award of a bachelor's degree in economics and a master's degree in public administration.

During a 1967-68 tour of duty with the 12th Tactical Fighter Wing in Vietnam, he distinguished himself with a record of 336 combat missions in the F-4 fighter and the award of the Silver Star, two Distinguished Flying Crosses, a Bronze Star and fifteen air medals.

Air Force leaders recognized the talent and potential of this general-to-be and selected him for prestigious positions at Air Force headquarters in Washington, DC, first in the Office of the Director for Operational Test and Evaluation and subsequently as an aide to the Air Force Vice Chief of Staff.

Following completion of the National War College and selection for promotion to the grade of Colonel, he returned to operational flying duty in a series of leadership positions, ultimately serving as Commander of the Strategic Air Command's (SAC) 509th Bombardment Wing in 1974-1975.

Exceeding even the Strategic Air Command's high standards of leadership excellence, Dick Burpee was hardly getting started. Following selection to General officer rank, he carved a path of performance and achievement through assignments at Headquarters Strategic Air Command, as Commander of the 19th air division, and in senior plans and operations positions at Air Force headquarters in the Pentagon. From 1983 to 1985, the great State of Oklahoma had the good fortune to get to know Dick Burpee as a particularly outstanding Commander